

**REMARKS**

This amendment is in response to an Interview with the Examiner on April 19, 2004 and as evidenced by the handwritten Interview Summary (Paper No. 29) and in response to a non-final Office action (Paper No. 28) mailed January 14, 2004. Upon entry of this amendment, claims 1-3, 17 and 24-43 will be pending in this application. Applicant has canceled claims 4-16 and 18-23 without prejudice or disclaimer as to their subject matter by this amendment, amended claim 17 by this amendment and newly added claims 25-43 by this amendment.

In Paper No. 28, the Examiner rejected claims 1-3 and 24 under 35 U.S.C. 103 (a) using USP 5581685 to Sakurai in view of USP 5648781 to Choi. Applicant traverses this rejection.

**1. The rejection of independent claim 1 in Paper No. 28 is incomplete in violation of 37 C.F.R. 1.104 (b)**

Applicant's claimed invention pertains to a display and a control for the display where the user can manipulate the position of a indicator on the display by manipulation of a track ball on the control. When the indicator is in a menu item in a main menu, the user can select that item by pushing a button on the control. Then, a sub menu appears on the display. However, the sub menu is generally displayed in a different portion of the display than the main menu was. Therefore, the user would ordinarily have to manipulate the track ball a lot to move the indicator to the sub menu when the sub menu appears and the main menu disappears. However, the present invention automatically causes the indicator to skip or jump to the portion of the display displaying the

submenu when the sub menu appears and the main menu disappears, thereby not requiring the user to manipulate a track ball to bring the pointer to the newly displayed submenu.

In Paper No. 28, the Examiner never examined this central novel concept of automatically causing the cursor or indicator to jump to the area of the display that displays the sub menu without further user manipulation of the track ball. Because the Examiner never examined this crucial feature of Applicant's claim 1, Applicant contends that Paper No. 28 is an incomplete Office action.

The last limitation of Applicant's claim 1 claims, "*automatically* adjusting the position of said indicator to be located within said sub menu". Applicant submits that this limitation was never examined in Paper No. 28.

In Paper No. 28, the Examiner states that the primary reference to "Sakurai does not teach automatically adjusting the area indicator to be located within the submenu." However, in Paper No. 28, the Examiner never states a reference or a portion of a reference that teaches this automatic adjustment of the cursor. Because the Examiner failed to find a reference or a teaching this automatic adjustment of the indicator, Applicant submits that this automatic adjustment of the indicator limitation of claim 1 was never examined in Paper No. 28. Because this limitation was never examined, Applicant submits that Paper No. 28 is an incomplete Office action.

**2. Paper No. 28 is also incomplete because the Examiner failed to acknowledge and/or reply to Applicant's arguments filed on October 22, 2003 thereby violating MPEP 707.07 (f)**

In Applicant's traversal of the rejection of claim 1 in Paper No. 22, Applicant argued on page 10 of his October 22, 2003 traversal that none of the references teaches or suggests this automatic movement of the cursor to the submenu when the submenu is displayed. In Paper No. 28, the Examiner never acknowledged this argument. Furthermore, in Paper No. 28, the Examiner never addressed this argument. This ignoring of Applicant's arguments is in violation of MPEP 707.07 (f) and in violation of the notion of compact prosecution. For these reasons, Applicant again submits that Paper No. 28 is an incomplete Office action.

**3. Neither Sakurai '685 nor Choi '781, either taken singly or in combination, teaches or suggests the feature of *automatically* adjusting the position of the indicator to be located within said sub menu.**

Applicant's last limitation of claim 1 claims, "automatically adjusting the position of the indicator to be located within said sub menu". Applicant submits that neither Sakurai '685 nor Choi '781 teach or suggest this limitation.

Regarding Sakurai '685, Applicant submits that the Examiner, in Paper Nos 22 and 28, correctly assessed that Sakurai '685 fails to teach or suggest automatic movement of the indicator. Sakurai '685 instead pertains to a structure for menu display for a menu with a hierarchical structure.

Regarding Choi '781. Applicant submits that Choi '781 never teaches automatic movement of the cursor or indicator. Instead, the cursor in Choi '781 is moved only by user manipulation of a trackball device.

In Paper Nos. 22 and 28, the Examiner states that Choi "teaches locating a cursor (32) on the desired submenu icon. For example, a cursor appearing on a main menu icon (30) is relocated and displayed on a submenu (34). See col. 3, lines 14-26 and Fig 2(C-D)."

Applicant has reviewed this section of Choi '781 and submits that the cursor is moved by user manipulation of a trackball and not automatically as claimed by Applicant in Applicant's claim 1. Lines 14-15 of col 3 of Choi '781 teaches that the cursor is located **by controlling the trackball**. Similarly, lines 28-32 state that the cursor is moved based on the same principle as in step 110 (i.e., by controlling the trackball). Therefore, Applicant submits that this passage of Choi '781 (col 3, lines 14-26) do not teach or suggest automatic repositioning of the cursor as claimed by Applicant in claim 1. Instead, Applicant submits that any movement of the cursor in Choi '781 is done by controlling the trackball, which is accomplished manually and not automatically. Therefore, neither Choi '781 nor Sakurai '685 teach or suggest automatic movement of a cursor or indicator as claimed by Applicant in claim 1. Therefore, the prior art rejection of claim 1 in Paper No. 28 must be withdrawn.

**4. 37 C.F.R. 1.111 (c) comments regarding Applicant's amendments and newly added claims.**

Applicant is amending claim 17 and newly adding claims 25-43 to emphasize the central concept of Applicant's invention which is also not present in the applied prior art. This central concept is the automatic skip or jump in the location of the pointer across a display screen when a new menu appears, when a submenu appears, when the menu is enlarged or reduced in size, or when a sub menu is reverted back to the main menu. In each of these instances, the new display displays choices in a different part of the display than previously. In each of these instances, instead of requiring the user to manually drag the pointer across the display to the newly displayed menu, the pointer is automatically moved to the newly displayed menu relieving the user of manual manipulation of the position of the pointer via a track ball. None of these features are taught in the applied prior art. Instead, the prior art requires manual manipulation of a trackball to move the position of the indicator across a display.

**5. Interview with Examiner held on April 19, 2004 and Summary (Paper No. 29)**

Applicant submits that this amendment is being officially submitted in the USPTO based on promises made at the interview and in reliance of the interview on April 19, 2004 and made on the handwritten Interview Summary Paper No. 29. At the Interview and on Paper No. 29, the Examiner agreed that the Choi '781 reference fails to teach or suggest the automatic repositioning of the indicator as claimed by Applicant. Therefore, the Examiner agreed to vacate the prior art rejections of Paper No. 28 and issue a new, non-final Office action after Applicant files the draft amendment

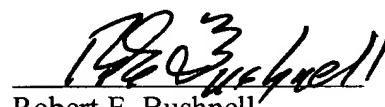
of April 12, 2004 in official format. Upon receipt of the April 12, 2004 amendment in official format in the USPTO, the Examiner agrees to vacate the prior art rejections of Paper No. 28, conduct an updated prior art search, and produce a new, non-final Office action either applying some new combination of prior art references or instead allowing claims. Therefore, Applicant is hereby submitting this April 12, 2004 amendment in official format in the USPTO based on the Examiner's assurances made on April 19, 2004 and on Paper No. 29.

FIG. 14 is being amended by this amendment to conform to the specification. The attached sheet of drawings includes changes to FIG. 14. This sheet, which includes FIG. 14, replaces the original sheet including FIG. 14.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of \$110.00 is incurred by filing of a petition for a one month extension of time, set to expire on Friday, 14 May 2004. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell  
Attorney for the Applicant  
Registration No.: 27,774

1522 "K" Street N.W., Suite 300  
Washington, D.C. 20005  
(202) 408-9040

Folio: P55862  
Date: 14 May 2004  
I.D.: REB/ML